

REMARKS/ARGUMENTS

Applicants thank the Examiner Niland for indicating that the subject matter of Claims 34-43 is allowable. Claim 34 is rewritten herein as an independent claim to include the limitations of Claim 26.

Applicants submit the amendment places Claim 34 and the claims dependent therefrom in condition for allowance.

The Office rejected Claims 26-52 as not enabled under 35 U.S.C. §112, first paragraph. The Office concludes the following with respect to the enablement of the presently claimed subject matter:

The instant claims are replete with variable groups reciting “substituted” therewith without specifying what the substituents are to be. It would require undue experimentation to determine all of the substituents which would function according to the instant invention since there are infinite number of such substituents and not all of them would function to give compositions which would function according to the instant specification. The claims are not commensurate in scope with the enabling specification therefor. (See paragraph “A” on page 2 of the Office Action)

Applicants submit that the rejection under 35 U.S.C. §112, first paragraph does not state any legally recognized standard of enablement. It appears that the Office is asserting that the enablement requirement states that Applicants must demonstrate that all embodiments encompassed by a claimed invention must “function to give compositions which would function” according to the description in the specification. Applicants submit that this interpretation and/or application of the enablement requirement is incorrect as a matter of law. Applicants draw the Office’s attention to MPEP §2164 for an explanation of the enablement requirement.

Applicants submit that the rejection under 35 U.S.C. §112, first paragraph is improper and should be withdrawn. Applicants draw the Office’s attention to new Claims 53 and 58-60 where the R^2 , R^{10} , R^{11} , and R^{12} groups are further defined.

As discussed above, Applicants submit that all now-pending claims are ready for allowance and respectfully request the allowance of all now-pending claims.

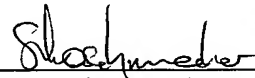
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
SUK/rac



Stefan U. Koschmieder, Ph.D.
Registration No. 50,238